

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSE GIRALDO, CARLOS ALVARADO, JOSE
HUMBERTO VELASQUEZ, MIGUEL HERNANDEZ,
STEVEN ROPIZAR and WILLIAM MONTALVO,
Individually and on Behalf of All Others Similarly
Situating, As Class Representatives,

11-cv-000362 (LDW) (ARL)

ECF CASE

Plaintiffs,

-against-

ABC PARTS INTERNATIONAL, INC. AND MITCHELL
JAVAHERI.

Defendants.

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**JOINT APPLICATION FOR FINAL APPROVAL OF
SETTLEMENT OF CLASS ACTION**

Plaintiffs Jose Giraldo, Carlos Alvarado, Jose Humberto Velasquez, Miguel Hernandez, Steven Ropizar and William Montalvo ("Named Plaintiffs") and Defendants ABC Parts International, Inc. and Mitchell Javaheri ("Defendants"), by and through their respective attorneys, submit this Joint Application for Final Approval of Settlement of Class Action. In support of this Joint Application, Plaintiffs and Defendants state as follows:

1. This is a class action lawsuit for damages against Defendants based on Plaintiffs' claim that Defendants violated New York and federal wage-and-hour laws, including the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, and the New York Labor Law.

2. The parties to this dispute have agreed to settle this lawsuit according to the terms of the Stipulation and Settlement Agreement submitted with this application as Exhibit A and revised Stipulation and Settlement Agreement and Notice submitted with this application as Exhibit B.

3. The proposed settlement is the product of mediation and serious, informed, non-collusive negotiations, has no obvious deficiencies, and does not improperly grant preferential treatment to class representatives or segments of the proposed settlement class.

4. The Court certified a class, conditionally for settlement purposes only, consisting of all individuals employed by Defendants ABC Parts International, Inc. and Mitchell Javaheri, as full-time warehouse workers, drivers and office staff members (excluding the General Manager) from any time from May 18, 2004 through and including June 18, 2010.

5. The Court preliminarily appointed the law offices of Lipman & Plesur, LLP as “Class Counsel,” and appointed Jose Giraldo, Carlos Alvarado, Jose Humberto Velasquez Miguel Hernandez, Steven Ropizar and William Montalvo (collectively, the “Named Plaintiffs”) as “Class Representatives.”

6. The Court on February 22, 2011 approved the proposed form and manner of notifying the settlement class of this proposed settlement in that it complied with the standards of fairness, completeness and neutrality required of a settlement class notice under federal law and the requirements of due process and the Court appointed Simpluris, Inc. of Costa Mesa, California, as “Settlement Administrator” pursuant to the Stipulation of Settlement.

7. The Court will hold a Fairness Hearing on August 23, 2011. As of this date, no Class Members have objected to the proposed settlement. *See* Declaration submitted with this Application as Exhibit C.

CONCLUSION

For all of the foregoing reasons, the Court should approve the proposed final settlement, and such other relief as the Court deems just and proper.

LIPMAN & PLESUR, LLP

Dated: Jericho, New York
August 18, 2011

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LITTLER MENDELSON, P.C.

Dated: New York, New York
August 18, 2011

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